

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**R. ANTHONY HUTCHINSON and
LISA HUTCHINSON,**

Plaintiffs

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action 7:11-CV-131 (HL)

ORDER

In their Complaint, Plaintiffs notified the Court of their desire to have this case tried by a jury. However, based on the applicable law, a jury trial is not appropriate. “[A]ny action against the United States under section 1346 shall be tried by the court without a jury.” 28 U.S.C. § 2402. This case is based on a claim under 28 U.S.C. § 1346, the Federal Tort Claims Act, and therefore, a jury trial is not permissible.¹

This case remains on the April 2013 trial calendar, but the case shall now be tried by the Court, not by a jury.

SO ORDERED, this 15th day of February, 2013.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

¹ There is some exception for actions brought under § 1346(a)(1), but this exception, which deals with actions for the recovery of illegal assessment of taxes, is not applicable here.